

## SENATE BILL No. 244

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 2-5-26; IC 16-30-6; IC 16-38-2-1; IC 16-38-2-11; IC 16-38-4; P.L.248-1996, SECTION 1.

**Synopsis:** Health data base and EQSC extension. Creates the state public health information coordination commission to coordinate the exchange of information between the department of environmental management and the state department of health (SDH) and to carry out other health information coordination duties. Requires the commission to study and make recommendations for the improvement of the state's geographical information data bases and to oversee the creation and administration of a health information data base pilot program. Provides that the health data base pilot program is to identify statewide disease trends, local disease trends, and gaps in available health information. Requires the SDH to administer the program and report on the program to the environmental quality services council (EQSC). Requires the SDH to ensure that the staff of the state cancer registry is sufficient to adequately manage data in the cancer registry. Beginning in July 2003, annually appropriates \$1,000,000 from the Indiana tobacco master settlement agreement fund to the SDH for staffing and maintaining the cancer registry. Provides that the birth problems registry is to receive and record information on severe disabilities that are recognized at any time before a child is four years of age. Reestablishes and extends the EQSC through December 31, 2005. Repeals the current EQSC enabling statutes (which expire December 31, 2000).

**Effective:** Upon passage; July 1, 2001; July 1, 2003.

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January 9, 2001, read first time and referred to Committee on Rules and Legislative Procedure.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## SENATE BILL No. 244

A BILL FOR AN ACT to amend the Indiana Code concerning health and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 2-5-26 IS ADDED TO THE INDIANA CODE AS  
2       A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3       1, 2001]:

4       **Chapter 26. State Public Health Information Coordination**  
5       **Commission**

6       **Sec. 1. As used in this chapter, "commission" refers to the state**  
7       **public health information coordination commission established by**  
8       **section 2 of this chapter.**

9       **Sec. 2. There is established the state public health information**  
10       **coordination commission.**

11       **Sec. 3. (a) The commission consists of the following members:**

12               **(1) The commissioner of the department of environmental**  
13               **management, or the commissioner's designee.**

14               **(2) The state health commissioner, or the commissioner's**  
15               **designee.**

16               **(3) The commissioner of the Indiana department of**  
17               **administration, or the commissioner's designee.**



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(4) One (1) member of the board of a local health department, appointed by the governor.

(b) The governor shall appoint the chairperson of the commission.

(c) Each member of the commission who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(d) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(e) The affirmative votes of a majority of the voting members appointed to the commission are required for the commission to take action on any measure.

Sec. 4. The duties of the commission with respect to the coordination of public health information are as follows:

(1) Coordinate interagency strategies for addressing disease clusters.

(2) Coordinate the exchange of information between the department of environmental management and the state department of health.

(3) Recommend strategies for enhancing the effectiveness of the state department of health and county health departments in dealing with diseases other than highly communicable and highly infectious diseases.

(4) Encourage research into the potential causes and effects of important diseases.

Sec. 5. The duties of the commission with respect to geographic information systems are as follows:

(1) Study, within Indiana state government:

(A) the geographical information data bases maintained by state agencies; and

(B) the computer systems used to integrate, access, and display geographical information.

(2) Make recommendations to improve coordination of the

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geographical information data bases that can be accessed and displayed on single display systems.

**Sec. 6. In addition to the duties imposed by sections 4 and 5 of this chapter, the commission shall oversee the creation and administration of the Indiana health information data base pilot program under IC 16-30-6.**

**SECTION 2. IC 16-18-2-294.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 294.5. "Program", for purposes of IC 16-30-6, has the meaning set forth in IC 16-30-6-1.**

**SECTION 3. IC 16-30-6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:**

**Chapter 6. Indiana Health Data Base Pilot Program**

**Sec. 1. As used in this chapter, "program" refers to the Indiana health data base pilot program established by section 2 of this chapter.**

**Sec. 2. The Indiana health data base pilot program is established to identify:**

- (1) environmental insults affecting public health in Indiana;**
- (2) statewide disease trends that exceed national averages;**
- (3) local disease trends within the subject areas that exceed statewide averages; and**
- (4) gaps in information provided by other Indiana health information data bases.**

**Sec. 3. The state department shall administer the program. The state public health information coordination commission established by IC 2-5-26 shall oversee the creation and administration of the program.**

**Sec. 4. The state department shall:**

- (1) design and create a data base for health information gathered with a focus on:**
  - (A) children as the population segment of special interest; and**
  - (B) diseases affecting children, including asthma, cancer, and elevated blood lead levels, that may be linked to environmental contamination;**
- (2) in cooperation with the department of environmental management, select a limited number of geographic locations within Indiana that have:**
  - (A) diverse populations representing a broad spectrum of Indiana residents; and**

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(B) local health departments of adequate size and resources to assist in the program;

including Marion County and Lake County;

(3) assemble and enter into the data base created under subdivision (1) health information for the geographic locations selected under subdivision (2), including:

(A) cancer registry information under IC 16-38-2;

(B) mortality information from death certificates;

(C) lead poisoning and lead screening information;

(D) information gathered from claims under the Medicaid program under IC 12-15 and the children's health insurance program under IC 12-17.6;

(E) information gathered from state employee health plans established or provided under IC 5-10-8-7(b) and IC 5-10-8-7(c);

(F) hospital discharge data under IC 16-21-6; and

(G) census data; and

(4) assemble and enter into the data base created under subdivision (1) any additional health information available for the geographic locations selected under subdivision (2).

**Sec. 5. Information contained in the data base created under this chapter may not identify specific individuals.**

SECTION 4. IC 16-38-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The state department shall establish a cancer registry for the purpose of:

(1) recording all cases of malignant disease that are diagnosed or treated in Indiana; and

(2) compiling necessary and appropriate information concerning those cases, as determined by the state department;

in order to conduct epidemiologic surveys of cancer and to apply appropriate preventive and control measures.

**(b) The state department shall provide the staff for the cancer registry and shall ensure that the staff is sufficient, in the number of its members and in their qualifications, to adequately:**

(1) manage data in the cancer registry;

(2) analyze data in the cancer registry;

(3) assist in the field to ensure the quality of the data reported to the cancer registry;

(4) assist users of the cancer registry; and

(5) prepare reports for public health professionals based on data in the cancer registry.

SECTION 5. IC 16-38-2-11 IS ADDED TO THE INDIANA CODE



AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 11. There is annually appropriated to the state department of health one million dollars (\$1,000,000) from the Indiana tobacco master settlement agreement fund created by IC 4-12-1-14.3 for its use in staffing and maintaining the cancer registry.**

SECTION 6. IC 16-38-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. As used in this chapter, "birth problems" means one (1) or more of the following conditions:

- (1) A structural deformation.
- (2) A developmental malformation.
- (3) A genetic, inherited, or biochemical disease.
- (4) Birth weight less than two thousand five hundred (2,500) grams.
- (5) A condition of a chronic nature, including central nervous system hemorrhage or infection of the central nervous system, that may result in a need for long term health care.
- (6) Stillbirth.
- (7) Any other severe disability that is recognized in a child after birth and before the child is four (4) years of age.**

SECTION 7. IC 16-38-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) The state department shall establish a birth problems registry for the purpose of recording all cases of birth problems that occur in Indiana residents and compiling necessary and appropriate information concerning those cases, as determined by the state department, in order to:

- (1) conduct epidemiologic and environmental studies and to apply appropriate preventive and control measures;
- (2) inform the parents of children with birth problems at the time of discharge from the hospital about care facilities and appropriate community resources; or
- (3) inform citizens regarding programs designed to prevent or reduce birth problems.

(b) The state department shall ~~use~~ **record in the birth problems registry:**

- (1) all data concerning birth problems of children that are provided from the certificate of live birth; and**
- (2) any additional information ~~concerning a birth problem~~ that may be provided by a physician or local health department concerning a birth problem of a child that is recognized:**
  - (A) after the ~~newborn child~~ is discharged from the hospital as**

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1           **a newborn; and**

2           **(B) before the child is four (4) years of age.**

3           (c) The state department shall provide a physician and a local health  
4 department with necessary forms for reporting under this chapter.

5           SECTION 8. IC 16-38-4-9 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. (a) Physicians, nurse  
7 midwives, local health departments, and hospitals shall report each  
8 confirmed case of a birth problem **that is recognized at the time of**  
9 **birth** to the registry not later than sixty (60) days after the birth. **In the**  
10 **case of birth problems recognized after birth and before a child is**  
11 **four (4) years of age, the local health department, hospital,**  
12 **physician, or other health professional who recognizes the birth**  
13 **problem shall report the birth problem to the registry not later**  
14 **than sixty (60) days after recognizing the birth problem.**  
15 Information may be provided to amend or clarify an earlier reported  
16 case.

17           (b) A person required to report information to the registry under this  
18 section may use, when completing reports required by this chapter,  
19 information submitted to any other public or private registry or required  
20 to be filed with federal, state, or local agencies. However, the state  
21 department may require additional, definitive information.

22           (c) Exchange of information between state department registries is  
23 authorized. The state department may use information from another  
24 registry administered by the state department. Information used from  
25 other registries remains subject to the confidentiality restrictions on the  
26 other registries.

27           SECTION 9. [EFFECTIVE JULY 1, 2001] (a) **The state**  
28 **department of health shall obtain the advice of the Centers for**  
29 **Disease Control and Prevention, United States Public Health**  
30 **Service, and United States Department of Health and Human**  
31 **Services about the appropriate staffing and priorities needed in**  
32 **order to make the cancer registry established under IC 16-38-2**  
33 **comparable to the cancer registries maintained by states similar to**  
34 **Indiana in total population.**

35           (b) **After June 30, 2004, but before November 1, 2004, the state**  
36 **department of health shall report on the status of the cancer**  
37 **registry to the environmental quality service council established by**  
38 **SECTION 10 of this act.**

39           (c) **This SECTION expires January 1, 2005.**

40           SECTION 10. [EFFECTIVE UPON PASSAGE] (a) **As used in this**  
41 **SECTION, "council" refers to the environmental quality service**  
42 **council established by subsection (c).**

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(b) As used in this SECTION, "department" refers to the department of environmental management.

(c) The environmental quality service council is established.

(d) The council consists of twenty-four (24) members appointed as follows:

(1) Four (4) members of the senate, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the president pro tempore of the senate.

(2) Four (4) members of the house of representatives, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the speaker of the house of representatives.

(3) The commissioner of the department or the commissioner's designee.

(4) Fifteen (15) individuals who are not members of the general assembly and who are appointed by the governor as follows:

(A) Four (4) individuals representing business and industry, not more than two (2) of whom may be affiliated with the same political party.

(B) Four (4) individuals representing local government, not more than two (2) of whom may be affiliated with the same political party.

(C) Two (2) individuals representing environmental organizations, not more than one (1) of whom may be affiliated with the same political party.

(D) Two (2) individuals representing the general public, not more than one (1) of whom may be affiliated with the same political party.

(E) Three (3) individuals representing the following interests:

(i) One (1) representative of semipublic permittees.

(ii) Two (2) representatives of agriculture, not more than one (1) of whom may be affiliated with the same political party.

Until an appointment is made under clause (A), (B), (C), or (E), an unfilled position shall be held by the corresponding member of the environmental quality service council serving on December 31, 2000, who was appointed under P.L.248-1996, SECTION 1(d)(4), and who represented the same interest as that of the unfilled position.

(e) Appointments are valid for two (2) years after the date of the

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1 appointment. However, a member shall serve on the council until  
2 a new appointment is made.

3 (f) A vacancy among the members of the council shall be filled  
4 by the appointing authority of the member whose position is  
5 vacant. If the appointing authority does not fill a vacancy within  
6 sixty (60) days after the date the vacancy occurs, the vacancy shall  
7 be filled by the chairman of the legislative council.

8 (g) The chairman of the legislative council shall designate a  
9 member of the council to be the chairperson of the council.

10 (h) The chairperson of the council shall call for the council to  
11 meet at least six (6) times during a calendar year. The chairperson  
12 may designate subcommittees to meet between committee meetings  
13 and report back to the full council.

14 (i) Each member of the council is entitled to receive the same  
15 per diem, mileage, and travel allowances paid to individuals who  
16 serve as legislative and lay members, respectively, serving on  
17 interim study committees established by the legislative council.

18 (j) The council shall do the following:

19 (1) Advise the commissioner of the department on policy  
20 issues decided upon by the council.

21 (2) Review the mission and goals of the department and  
22 evaluate the implementation of the mission.

23 (3) Serve as a council of the general assembly to evaluate:

24 (A) resources and structural capabilities of the department  
25 to meet the department's priorities; and

26 (B) program requirements and resource requirements for  
27 the department.

28 (4) Serve as a forum for citizens, the regulated community,  
29 and legislators to discuss broad policy directions.

30 (5) Submit a final report to the governor, the general  
31 assembly, the budget committee, and the administrative rules  
32 oversight committee established by IC 2-5-18 before  
33 November 1, 2001, and each year thereafter, that contains:

34 (A) an outline of activities of the council;

35 (B) recommendations for any department action;

36 (C) recommendations for any legislative action; and

37 (D) an estimate of funding levels required by the  
38 department, including an evaluation of permit fees.

39 (k) The commissioner of the department shall report to the  
40 council each month concerning the following:

41 (1) Permitting programs and technical assistance.

42 (2) Proposed rules and rulemaking in progress.

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1           **(3) The financial status of the department.**

2           **(4) Any additional matter requested by the council.**

3           **(l) The council shall:**

4               **(1) operate under procedures; and**

5               **(2) issue reports and recommendations;**

6           **as directed by the legislative council.**

7           **(m) The affirmative votes of a majority of the members**  
8           **appointed to the council are required for any official action,**  
9           **including final reports.**

10          **(n) The legislative services agency shall provide staff support to**  
11          **the council.**

12          **(o) This SECTION expires December 31, 2005.**

13          SECTION 11. P.L.248-1996, SECTION 1 IS REPEALED  
14          [EFFECTIVE UPON PASSAGE].

15          SECTION 12. **An emergency is declared for this act.**

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